

ENFORCEMENT REPORT TO THE COMMISSION FOR SEPTEMBER 2004

February 25, 2005 Commission Work Session

PROGRAMS	FORMAL ACTIONS INITIATED BY EDPR/PETITION OR DRAFT ORDER		ADMINISTRATIVE ORDERS ISSUED BY THE COMMISSION		FISCAL YEAR 2005 YEAR-TO-DATE TOTAL ADMINISTRATIVE PENALTIES ASSESSED, DEFERRED, TOTAL PENALTY DUE GENERAL REVENUE, AND DOLLAR AMOUNT WHICH WILL BE SPENT ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN ORDERS ISSUED BY THE TCEQ				
	Month	FY	Month	FY	ASSESSED	DEFERRED	TOTAL PENALTY DUE GENERAL REVENUE	SEP COST	SEP OFFSET
AGRICULTURE	2	2	2	2	\$19,400.00	\$800.00	\$18,600.00	\$0.00	\$0.00
AIR	32	32	11	11	\$266,180.00	\$18,922.00	\$138,156.00	\$109,102.00	\$109,102.00
INDUSTRIAL AND HAZARDOUS WASTE ¹	3	3	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MUNICIPAL SOLID WASTE	3	3	2	2	\$1,400.00	\$280.00	\$1,120.00	\$0.00	\$0.00
OCCUPATIONAL CERTIFICATION	0	0	1	1	\$1,750.00	\$350.00	\$1,400.00	\$0.00	\$0.00
PETROLEUM STORAGE TANKS	87	87	14	14	\$47,300.00	\$6,040.00	\$41,260.00	\$0.00	\$0.00
PUBLIC WATER SUPPLY ²	5	5	8	8	\$7,726.00	\$157.00	\$3,666.00	\$3,903.00	\$3,903.00
WATER QUALITY	17	17	5	5	\$84,860.00	\$2,943.00	\$15,792.00	\$66,125.00	\$66,125.00
MULTI-MEDIA	3	3	1	1	\$17,510.00	\$0.00	\$17,510.00	\$0.00	\$0.00
TOTALS	152	152	44	44	\$446,126.00	\$29,492.00	\$237,504.00	\$179,130.00	\$179,130.00

¹ Includes radioactive waste and underground injection control cases

² Includes water rights cases

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February 25, 2005 Commission Work Session

PROGRAMS	WRITTEN NOTICES OF VIOLATION (NOVS) ISSUED REGARDING TCEQ INVESTIGATIONS ³		NOVS ISSUED REGARDING SELF REPORTED DATA REQUIRED BY PUBLIC WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES		CASES RESOLVED INFORMALLY - COMPLIANCE ACHIEVED THRU CENTRAL OFFICE ACTION WITHOUT ISSUANCE OF AN AGENCY ORDER		CASES BEING DEVELOPED IN ENFORCEMENT PROGRAMS ⁴	CASES BEING TRACKED FOR COMPLIANCE ⁵
	Month	FY	Month	FY	Month	FY	Total	Total
AGRICULTURE	2	2	N/A	N/A	0	0	11	29
AIR	47	47	N/A	N/A	3	3	303	221
INDUSTRIAL AND HAZARDOUS WASTE	23	23	N/A	N/A	0	0	75	144
MUNICIPAL SOLID WASTE	28	28	N/A	N/A	3	3	55	101
OCCUPATIONAL CERTIFICATION	0	0	N/A	N/A	0	0	24	39
PETROLEUM STORAGE TANKS	28	28	N/A	N/A	26	26	641	347
PUBLIC WATER SUPPLY	72	72	336	336	1	1	208	372
WATER QUALITY	80	80	44	44	1	1	283	208
MULTI-MEDIA	7	7	N/A	N/A	0	0	75	126
TOTALS	287	287	380	380	34	34	1675	1587

³ Includes NOVs issued regarding investigations and enforcement cases. The investigations that these NOVs address could be either record reviews or onsite investigations.

⁴ Cases which the enforcement programs in Central Office are working on in which agency action has not been filed yet, unless the action is an AG referral for which the case will be considered to be under development until issuance of a Final Judgment. Agency action includes, orders issued, NOVs for those cases in which a formal action is not being pursued, corrective action directives, bilateral compliance agreements, or any other action which directs a facility to take action to achieve compliance within a specified period of time.

⁵ Includes all cases which the enforcement programs are tracking for compliance once an agency action (as defined in footnote 4) is finalized.

ENFORCEMENT REPORT TO THE COMMISSION FOR SEPTEMBER 2004

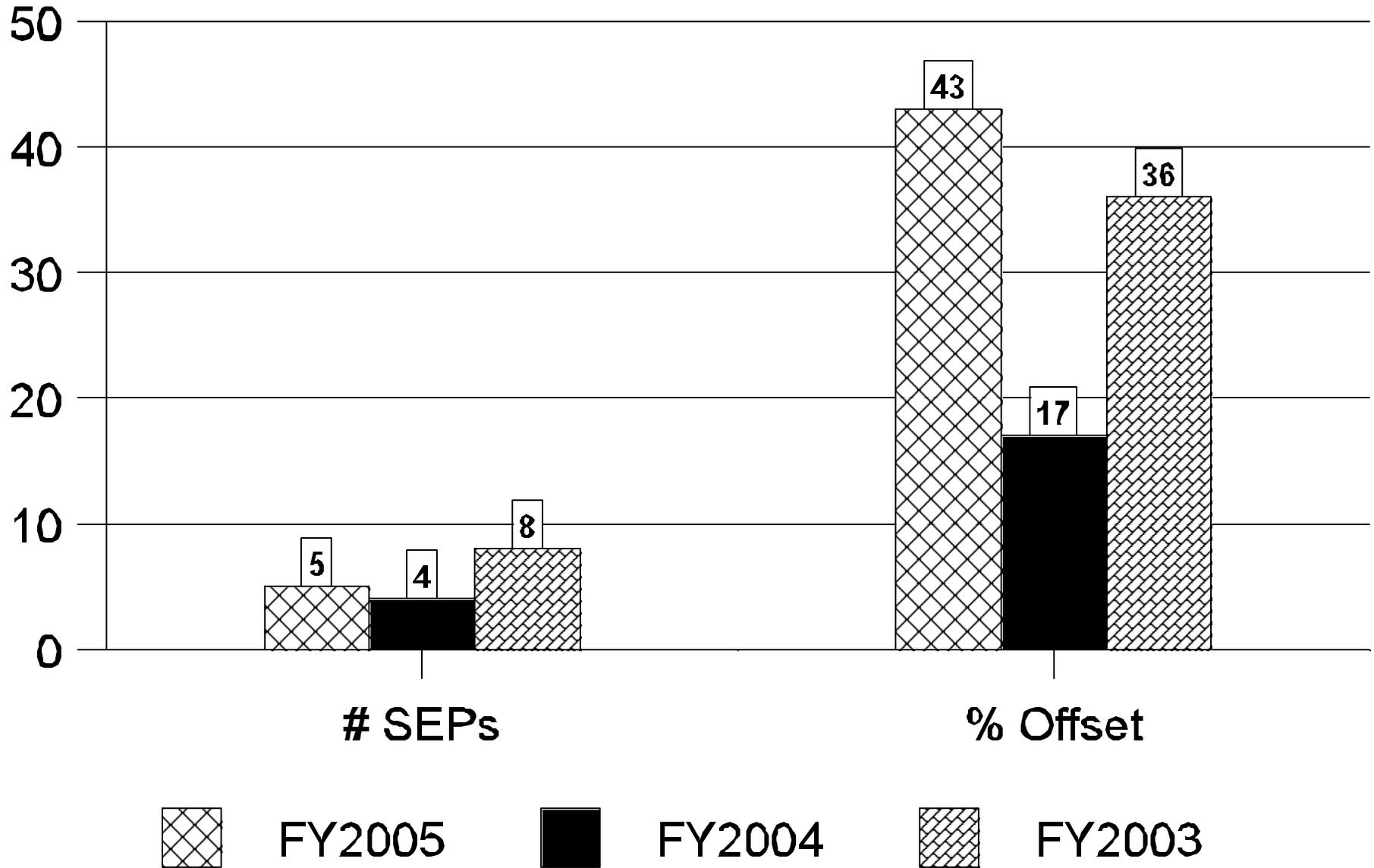
February 25, 2005 Commission Work Session

PROGRAMS	PENDING FORMAL ENFORCEMENT ACTIONS FOR ADMINISTRATIVE ORDERS TO BE ISSUED BY THE TCEQ		CASES PENDING AT THE STATE OFFICE OF ADMIN. HEARINGS	CASES PENDING AT THE OFFICE OF THE ATTORNEY GENERAL ⁶	ATTORNEY GENERAL CASES RESULTING IN JUDGMENTS ⁷		NOTICE OF AUDIT LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS		DISCLOSURE OF VIOLATIONS LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS		CASES SCREENED AND APPROVED FOR ENFORCEMENT ACTION	
	Total	Backlog	Total	Total	Month	FY	Month	FY	Month	FY	Month	FY
AGRICULTURE	19	6	4	2	0	0	0	0	0	0	2	2
AIR	336	41	5	19	0	0	16	16	0	0	49	49
INDUSTRIAL AND HAZARDOUS WASTE	62	16	7	38	0	0	1	1	0	0	6	6
MUNICIPAL SOLID WASTE	79	25	8	35	0	0	0	0	0	0	3	3
OCCUPATIONAL CERTIFICATION	43	7	1	2	1	1	0	0	0	0	2	2
PETROLEUM STORAGE TANKS	703	104	27	18	0	0	0	0	0	0	107	107
PUBLIC WATER SUPPLY	179	31	6	43	1	1	0	0	0	0	24	24
WATER QUALITY	333	57	7	38	0	0	0	0	0	0	25	25
MULTI-MEDIA	83	28	7	8	0	0	23	23	1	1	10	10
TOTALS	1837	315	72	203	2	2	40	40	1	1	228	228

⁶ AG actions typically take from 6 months to 5 years from the date of referral to final judgment.

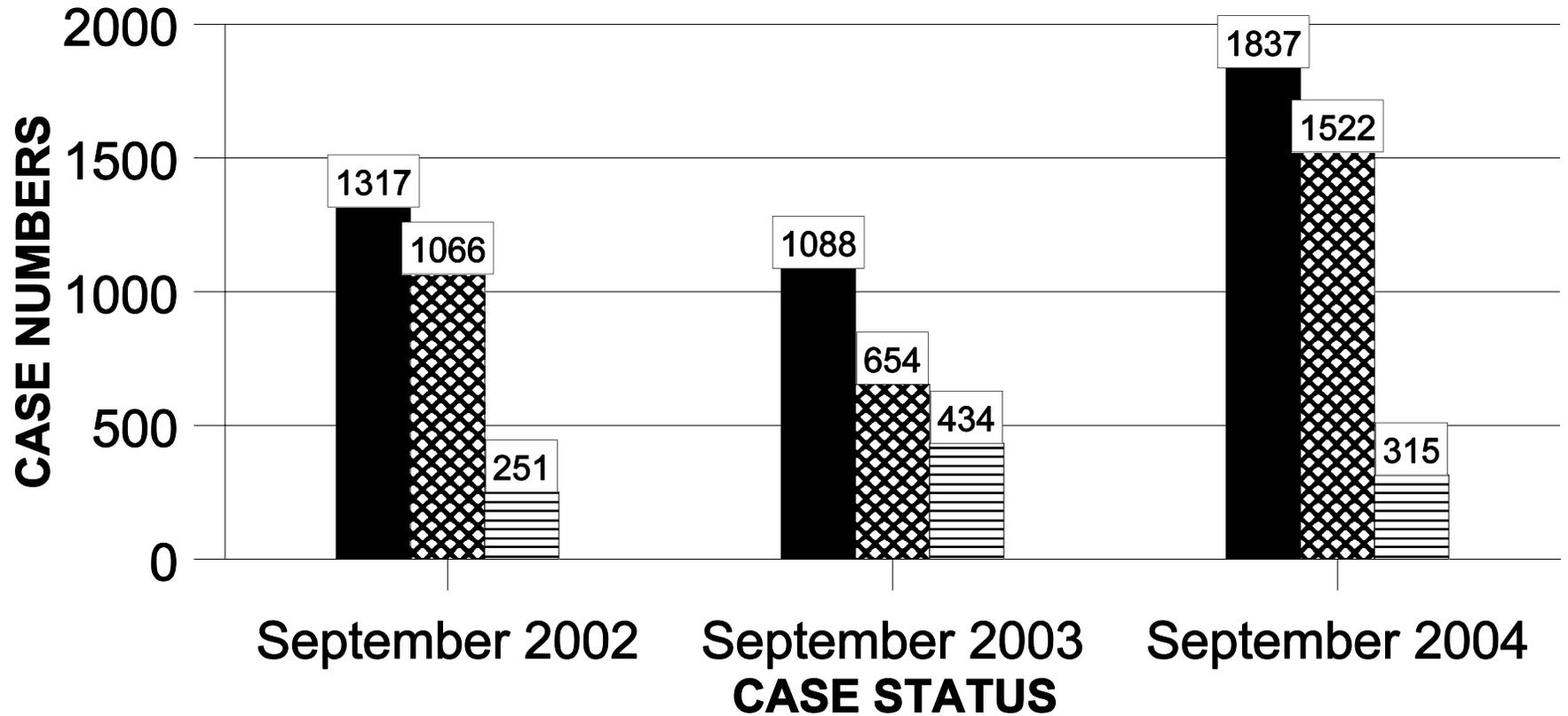
⁷ These numbers are obtained from the Attorney General's Office

Comparison of Supplemental Environmental Project (SEP) Data (thru September)



AGENCY-WIDE BACKLOG DISTRIBUTION

FY 2003 - FY 2005



Pending

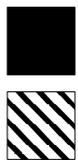
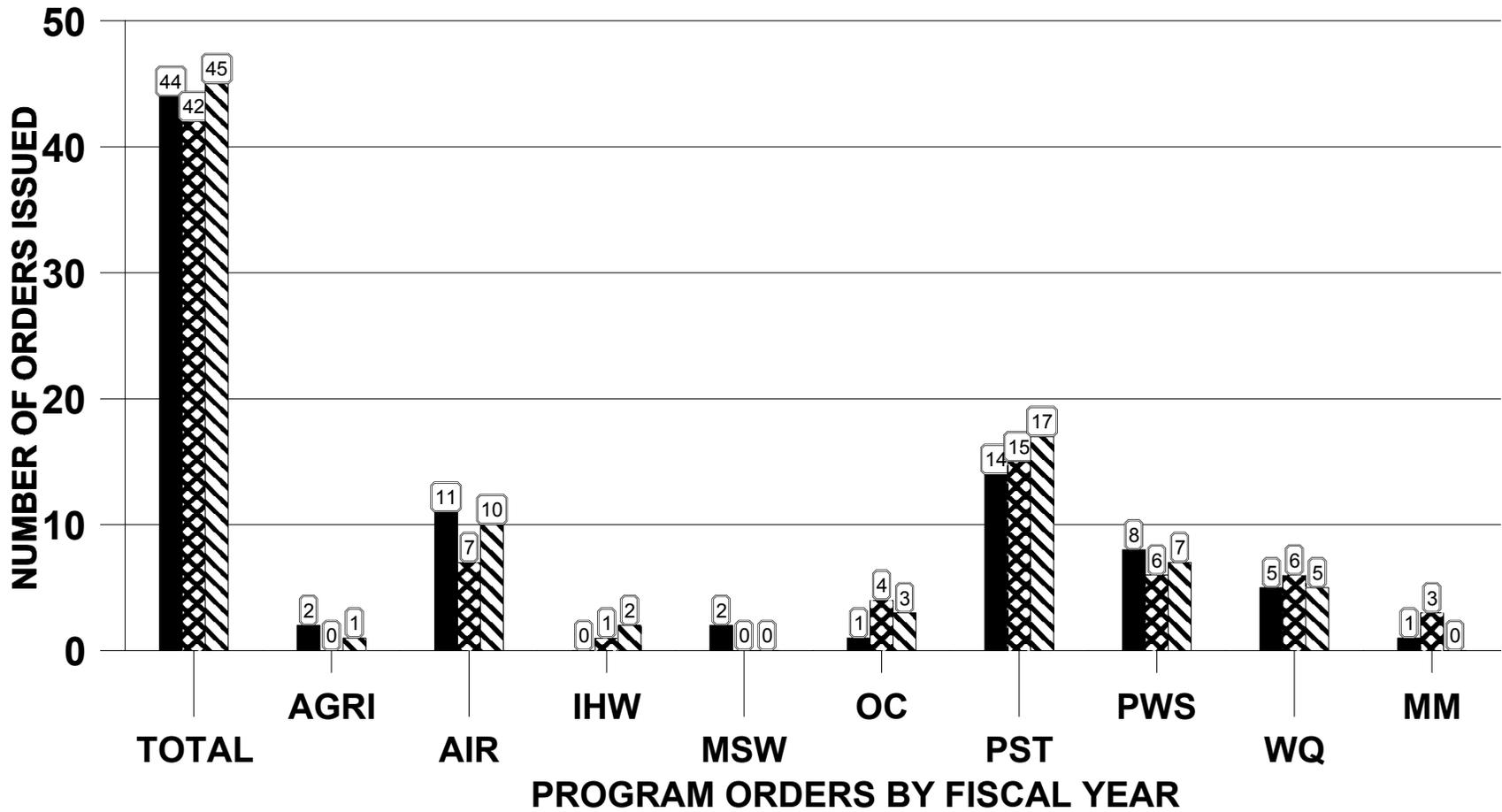


On Time



Backlogged

COMPARISON OF ORDERS ISSUED FY 2003 thru FY 2005



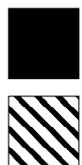
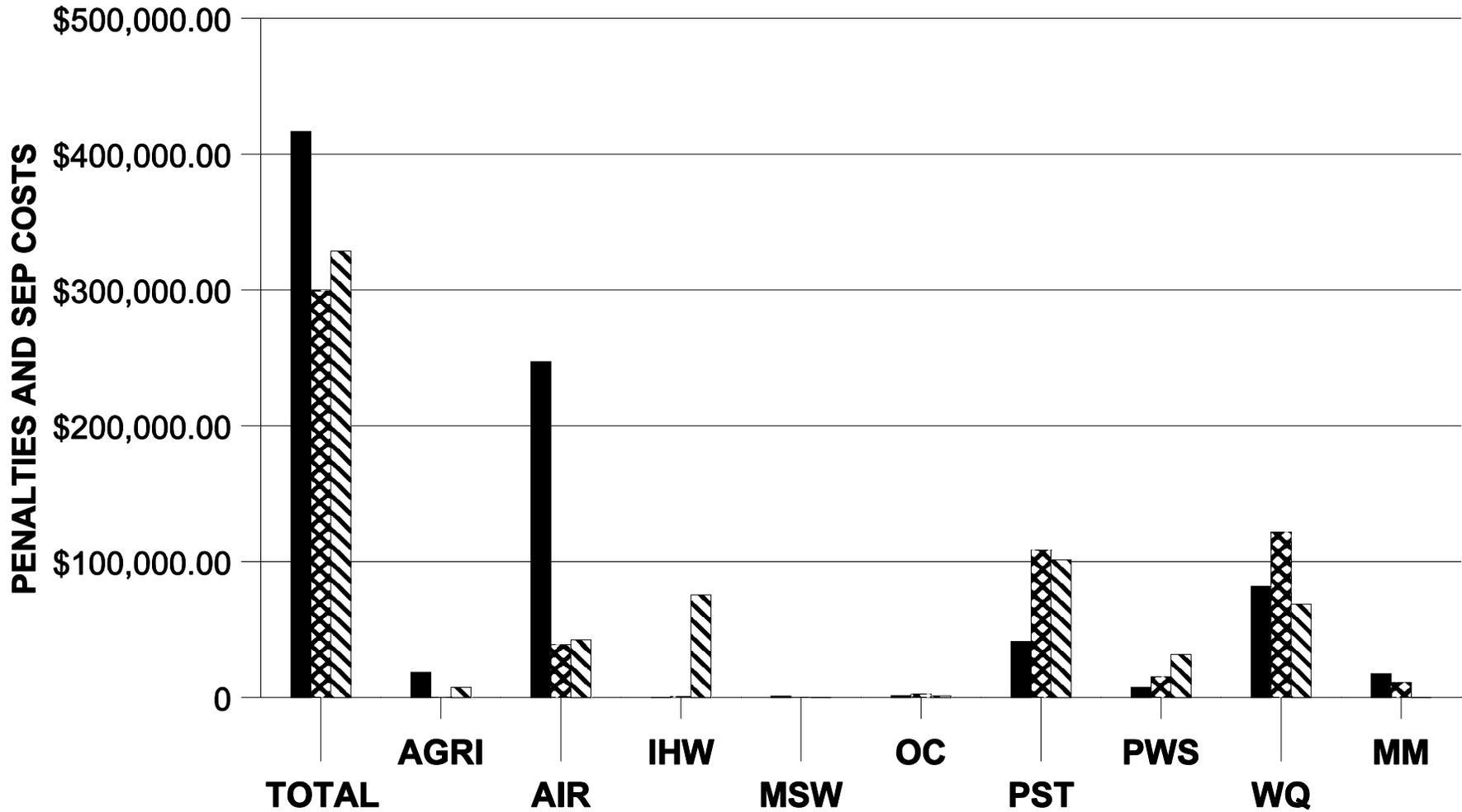
Thru September 2004



Thru September 2003

Thru September 2002

COMPARISON OF ORDERS ISSUED FY 2003 thru FY 2005



Thru September 2004



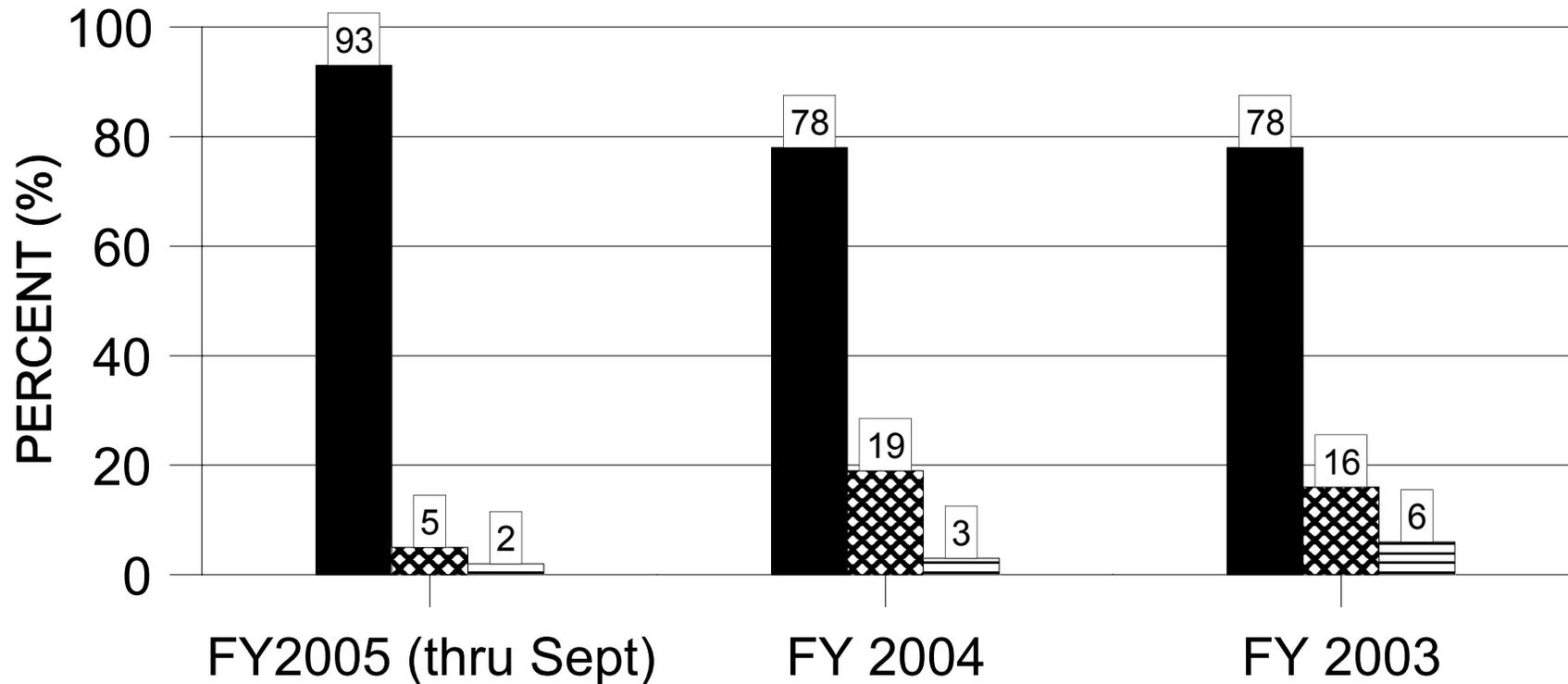
Thru September 2003



Thru September 2002

FINAL ORDER STATISTICS

FOR FISCAL YEARS 2003 THRU 2005



Settled by Enforcement Division

Resolved in Litigation Division w/o SOAH Referral

Resolved after SOAH Referral

Administrative Orders Issued

Singles Programs

Date Range Selected : 09/01/2004 - 09/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
AQ	12424	Shell Chemical LP	HG0659W	HARRIS	9/26/04	2,400.00	480.00	1,920.00	0.00	0.00
AQ	13788	Matrix Metals LLC dba Richmond Foundry Co.	FG0044H	FORT BEND	9/26/04	2,350.00	470.00	1,880.00	0.00	0.00
AQ	10618	Sabre Communications Corporation dba Sabre Tubular Structures	TA0496G	TARRANT	9/26/04	2,625.00	0.00	2,625.00	0.00	0.00
AQ	11920	Farmers Dairies, LTD.	EE1311Q	EL PASO	9/26/04	650.00	130.00	520.00	0.00	0.00
AQ	804	Exxon Mobil Corporation	JE0067I	JEFFERSON	9/26/04	150,462.00	0.00	75,231.00	75,231.00	75,231.00
AQ	12204	Weatherford Aerospace, Inc.	PC0077R	PARKER	9/26/04	8,245.00	0.00	8,245.00	0.00	0.00
AQ	306	Duke Energy Field Services, L.P.	FC0034I	*MULTIPLE	9/26/04	47,335.00	8,992.00	19,172.00	19,171.00	19,171.00
AQ	9246	Gardner Glass Products, Inc.	WA0041A	WALKER	9/26/04	2,800.00	0.00	2,800.00	0.00	0.00
AQ	11477	Greenville Electric Utility System	HV0023K	HUNT	9/26/04	7,500.00	1,500.00	6,000.00	0.00	0.00
AQ	10399	Devon Gas Services L.P.	WN0021G	WISE	9/26/04	36,750.00	7,350.00	14,700.00	14,700.00	14,700.00
AQ	5989	Beverly Henson dba Circle H Muffler Shop	NONE	TARRANT	9/26/04	5,063.00	0.00	5,063.00	0.00	0.00
Subtotal for AQ : 11						266,180.00	18,922.00	138,156.00	109,102.00	109,102.00
MSW	11143	Matthews Backhoe, Inc.	100063	LUBBOCK	9/26/04	750.00	150.00	600.00	0.00	0.00
MSW	11143	Brownfield ISD	NONE	TERRY	9/26/04	650.00	130.00	520.00	0.00	0.00
Subtotal for MSW : 2						1,400.00	280.00	1,120.00	0.00	0.00
OL	11926	TURNER, RUSSELL WAYNE	OS0007985	RUNNELS	9/26/04	1,750.00	350.00	1,400.00	0.00	0.00
Subtotal for OL : 1						1,750.00	350.00	1,400.00	0.00	0.00
PST	9040	MULBERRY KAUFMAN ENTERPRISES INC	27512	KAUFMAN	9/26/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9135	LEE, KWANG SOON	35937	TRINITY	9/26/04	800.00	0.00	800.00	0.00	0.00
PST	12704	Sitton Oil and Marine Company, Inc.	51732	JEFFERSON	9/26/04	1,000.00	200.00	800.00	0.00	0.00
PST	13445	Edcouch-Elsa Independent School District Public Facility Corporation	46213	HIDALGO	9/26/04	14,400.00	2,880.00	11,520.00	0.00	0.00
PST	9537	Andrews Transport, Inc.	55242	HARRIS	9/26/04	2,000.00	400.00	1,600.00	0.00	0.00
PST	9475	J & J Business Inc.	20457	HARRIS	9/26/04	5,775.00	0.00	5,775.00	0.00	0.00
PST	13105	King Fuels, Inc.	T002281	HARRIS	9/26/04	1,400.00	0.00	1,400.00	0.00	0.00
PST	9171	Praxair, Inc.	11161	HARRIS	9/26/04	3,030.00	0.00	3,030.00	0.00	0.00
PST	12244	Alexander Oil Company	8880	WASHINGTON	9/26/04	1,000.00	200.00	800.00	0.00	0.00
PST	13267	7-Eleven, Inc.	7386	DALLAS	9/26/04	495.00	0.00	495.00	0.00	0.00
PST	12270	DGT Operations, Inc.	73144	DALLAS	9/26/04	10,200.00	2,040.00	8,160.00	0.00	0.00
PST	12344	OSTEOPATHIC MEDICAL CENTER OF TEXAS	56020	TARRANT	9/26/04	1,600.00	320.00	1,280.00	0.00	0.00
PST	9141	SALEMOHMED SAJJAD ALI	36527	WILLIAMSON	9/26/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	8999	Crockett Farm & Fuel Center, Inc.	704	HOUSTON	9/26/04	2,400.00	0.00	2,400.00	0.00	0.00
Subtotal for PST : 14						47,300.00	6,040.00	41,260.00	0.00	0.00
PWS	7939	VV Water Supply System, Inc.	0610052	DENTON	9/2/04	0.00	0.00	0.00	0.00	0.00
PWS	12428	Peregrine Homeowners Association, Inc.	0200111	BRAZORIA	9/26/04	1,200.00	0.00	1,200.00	0.00	0.00

Singles Programs

Administrative Orders Issued

Date Range Selected : 09/01/2004 - 09/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
PWS	13526	S D HARRISON DBA SAN PEDRO VILLAGE	2330046	VAL VERDE	9/26/04	105.00	0.00	105.00	0.00	0.00
PWS	12644	SOUTH NEWTON WSC	1760022	NEWTON	9/26/04	530.00	106.00	424.00	0.00	0.00
PWS	13505	HOG CREEK WSC	1550132	MCLENNAN	9/26/04	945.00	0.00	945.00	0.00	0.00
PWS	10879	City of Clyde	0300002	CALLAHAN	9/26/04	3,903.00	0.00	0.00	3,903.00	3,903.00
PWS	12706	BUENA VISTA BETHEL SUD	0700037	ELLIS	9/26/04	255.00	51.00	204.00	0.00	0.00
PWS	6022	SUPERIOR MANUFACTURED HOMES	0920031	GREGG	9/26/04	788.00	0.00	788.00	0.00	0.00
Subtotal for PWS : 8						7,726.00	157.00	3,666.00	3,903.00	3,903.00
WQ	2686	HAWLEY, BAILEY RAY	22632	WOOD	9/21/04	0.00	0.00	0.00	0.00	0.00
WQ	8414	Methodist Children's Home	WQ0014464001	MCLENNAN	9/26/04	7,200.00	1,440.00	5,760.00	0.00	0.00
WQ	11380	TIFCO INDUSTRIES INC	WQ0012465001	HARRIS	9/26/04	4,020.00	0.00	4,020.00	0.00	0.00
WQ	6707	City of China	WQ0012104001	JEFFERSON	9/26/04	7,515.00	1,503.00	6,012.00	0.00	0.00
WQ	10113	City of Corpus Christi	WQ0010401005	NUECES	9/26/04	66,125.00	0.00	0.00	66,125.00	66,125.00
Subtotal for WQ : 5						84,860.00	2,943.00	15,792.00	66,125.00	66,125.00
WWA	13085	GREAT PLAINS CATTLE FEEDERS INC	WQ0002217000	DEAF SMITH	9/26/04	4,000.00	800.00	3,200.00	0.00	0.00
WWA	4313	M & M Dairy, Inc.	NONE	COLLIN	9/26/04	15,400.00	0.00	15,400.00	0.00	0.00
Subtotal for WWA : 2						19,400.00	800.00	18,600.00	0.00	0.00
Total for Singles Programs : 43						428,616.00	29,492.00	219,994.00	179,130.00	179,130.00

Date Range Selected : 09/01/2004 - 09/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
MM	10352	Bell County Water Control & Improvement District 1	0140016	BELL	9/26/04	17,510.00	0.00	17,510.00	0.00	0.00
Total for Multi-Media Programs : 1						17,510.00	0.00	17,510.00	0.00	0.00
Total for all Programs : 44						446,126.00	29,492.00	237,504.00	179,130.00	179,130.00

Summary of SEPs:

Total Orders : 44
Orders with SEPs : 5
Orders with SEPs % : 11.4
Orders with SEP Offset % : 43.0

* There are Multiple Respondent Names associated to this Case No.